

962

AGREEMENT

Made this 30 day of May 2001, by and between 404 First Street Corp., t/a Congressional Liquors, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A " license for premises, 404 First Street SE, ABC Application #962, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to improve their existing agreement regarding the use of a Retailers' Class "A" Liquor License at the subject premises;

NOW, THEREFORE, the parties agree to amend their existing agreement by adding the following:

Amendment #1. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") only in clear or translucent plastic bags.


In consideration of, and reliance upon, the commitment in Amendment #1 above, the ANC hereby withdraws its opposition to the applicant's pending license application.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

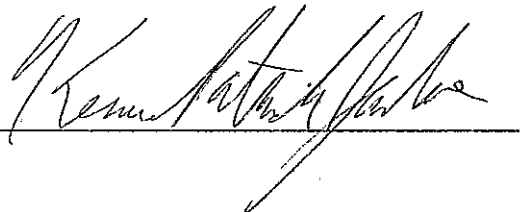
APPLICANT:

ANC 6B:

By: \_\_\_\_\_



By: \_\_\_\_\_



AGREEMENT

Made this 23th day of July 1997, by and between 404 First Street Corp., t/a My 1/2 S  
Congressional Liquors, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A" license for premises, 404 First Street SE, ABC Application #962, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "A" Liquor License at the subject premises; and,

WHEREAS, the parties agree that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of all single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately 50% of the Applicant's sales Don't ECs of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will not offer for sale single containers of beer (for consumption off the store's premises) of 32 ounces or more. Applicant will only sell containers of less than 32 ounces with a sandwich or equivalent food sale.
2. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
  - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment;
  - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers;
  - c. asking loiterers to move on whenever they are observed outside the establishment;
  - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on;
  - e. keeping a written record of dates and times when the MPD is called for assistance; and
  - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.
3. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
  - a. picking up trash, including beverage bottles and cans, on a daily basis.
  - b. sweeping the outside of the establishment on a daily basis.
4. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
5. In consideration of, and reliance upon, the commitments reflected in paragraph 1-4, the ANC hereby withdraws its opposition to the applicant's pending license application.
6. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:  
By: *Angie Cho*

ANC 6B:  
By: *EL Simon*

BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

**In the Matter of:**

404 First St., Inc  
T/a Congressional Liquors

Application for a Retailer's  
Class A - renewal  
at premises

404 1<sup>st</sup> Street, SE  
Washington, DC 20003

Case No. 962-01/069P

**Kenan P. Jarboe, Chairperson, Advisory Neighborhood Commission 6B (ANC 6B),  
Protestant**

**Song S. Choe, President, Applicant**

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR  
VERA M. ABBOTT, MEMBER  
CHARLES A. BURGER, MEMBER  
LAURIE COLLINS, MEMBER  
JUDY A. MOY, MEMBER  
ELLEN OPPER-WEINER, ESQUIRE, MEMBER  
AUDREY E. THOMPSON, MEMBER**

**ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT**

This matter, having been protested, was scheduled for a roll call hearing on June 13, 2001, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from Kenan P. Jarboe, ANC 6B, dated May 15, 2001.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement, dated May 30, 2001, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

404 First St., Inc.  
T/a Congressional Liquors  
Page 2

Accordingly, it is this 18<sup>th</sup> day of July 2001, **ORDERED** that:

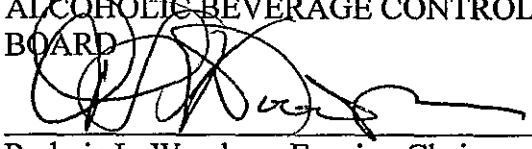
1. The opposition of Kenan P. Jarboe, ANC 05, be, and the same hereby is **WITHDRAWN**;

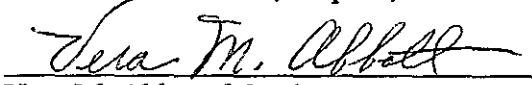
2. The application of 404 1<sup>st</sup> Street, Inc., t/a Congressional Liquors, for a retailer's class A license (renewal) at premises 404 1<sup>st</sup> Street, SE, Washington, DC, 20003, be, and the same hereby, is **GRANTED**; and

3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;

4. Copies of this Order shall be sent to the Protestant and the Applicant.

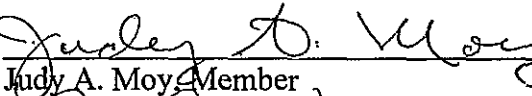
DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL  
BOARD


  
Roderic L. Woodson, Esquire, Chair

  
Vera M. Abbott, Member

  
Charles A. Burger, Member

  
Laurie Collins, Member

  
Judy A. Moy, Member

  
Ellen Oppenheimer, Esquire, Member

  
Audrey E. Thompson, Member

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

404 First Street Corporation  
t/a Congressional Liquors

Application for a Retailer's License  
Class A - renewal  
at premises

404 First Street, S.E.  
Washington, D.C.

App. No. 962-97052P

**Thomas Wells, Chair, on behalf of the Advisory Neighborhood Commission 6B,  
Protestant**

**Song Sik Choe, President, on behalf of the Applicant**

**BEFORE: BARBARA L. SMITH, ESQUIRE, CHAIR;  
DENNIS BASS, MEMBER;  
ALLEN BEACH, MEMBER;  
MARY EVA CANDON, ESQUIRE, MEMBER;  
LAVERNE KING, MEMBER;  
EYDIE WHITTINGTON, MEMBER;  
DUANE WANG, MEMBER**

**ORDER ON A WITHDRAWN PROTEST**

The application, having been protested came before the Board for public hearing on June 11, 1997, and was continued until June 25, 1997, in accordance with D.C. Code Section 25-115(c)(5)(1996 Supp.), providing for remonstrants to be heard. Thomas Wells, Chair, on behalf of the Advisory Neighborhood Commission 6B, protested by letter dated May 12, 1997.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the Agreement dated July 23, 1997, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

404 First Street Corporation  
t/a Congressional Liquors  
Page two

Accordingly, it is this 6th day of May 1998, **ORDERED**  
that:

1. ~~The protest of Thomas Wells, Chair, on behalf of the Advisory Neighborhood~~  
Commission 6B, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties, be, and the same hereby,  
is **INCORPORATED** as part of this Order;
3. The application of 404 First Street Corporation t/a Congressional Liquors for a  
retailer's license class A - renewal at premises 404 First Street, S.E., be, and the same  
hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

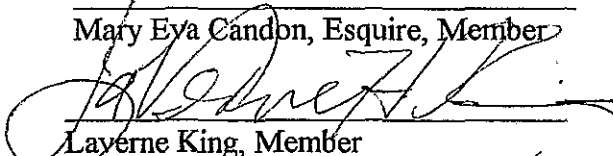
DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL  
BOARD

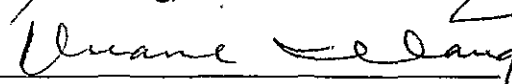
  
Barbara L. Smith, Esquire, Chair

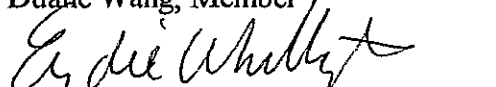
  
Dennis Bass, Member

  
Allen Beach, Member

Mary Eya Candon, Esquire, Member

  
Laverne King, Member

  
Duane Wang, Member

  
Eydie Whittington